

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE ENROLLED ACT No. 1288

AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 35-44-4 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

**Chapter 4. Interference With A Firefighter**

**Sec. 1. As used in this chapter, "dispatched firefighter" means a member of:**

- (1) the fire company having jurisdiction over an emergency incident area; or**
- (2) a fire company that has entered into a mutual aid agreement with the fire company having jurisdiction over an emergency incident area;**

**who has been dispatched by the local fire department having jurisdiction over the particular emergency incident area.**

**Sec. 2. As used in this chapter, "emergency incident area" means the area surrounding a structure, vehicle, property, or area that is:**

- (1) defined by police or firefighters with flags, barricades, barrier tape, or other markers; or**
- (2) one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident;**

**whichever is greater.**

**Sec. 3. As used in this chapter, "firefighter" has the meaning set**

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forth in IC 9-18-34-1.

**Sec. 4.** As used in this chapter, "fire protective clothing and fire protective gear" includes any of the following items generally used by firefighters:

- (1) Outer fire retardant clothing and headgear.
- (2) Fire gloves.
- (3) Selfcontained breathing apparatus.
- (4) Emergency medical services protective gear.
- (5) Hazardous materials protective gear.

**Sec. 5.** A person who is not a firefighter who knowingly or intentionally refuses to leave an emergency incident area immediately after being requested to do so by a firefighter or law enforcement officer commits a Class A misdemeanor.

**Sec. 6.** A firefighter who:

- (1) has not been dispatched to an emergency incident area;
- (2) enters an emergency incident area; and
- (3) refuses to leave an emergency incident area immediately after being requested to do so by a dispatched firefighter or law enforcement officer;

commits a Class C infraction.

**Sec. 7.** A person other than a firefighter who, with intent to mislead a firefighter or law enforcement officer as to the person's status as a dispatched firefighter, knowingly or intentionally enters an emergency incident area while wearing, transporting, or otherwise possessing a uniform, fire protective clothing, or fire protective gear commits a Class A misdemeanor. However, the offense is a Class D felony if, as a proximate result of the person entering the emergency incident area, a person or firefighter suffers bodily injury (as defined in IC 35-41-1-4).

**Sec. 8.** A person who knowingly or intentionally obstructs or interferes with a firefighter performing or attempting to perform the firefighter's emergency functions or duties as a firefighter commits obstructing a firefighter, a Class A misdemeanor.

SECTION 2. IC 35-44-3-8 IS REPEALED [EFFECTIVE JULY 1, 2001].

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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